IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST) NO.15569 OF 2005

Smt.Vatsala Narahar Kulkarni
since deceased by her legal heirs
and representatives
Mohan Narahar Kulkarni ..Petitioner.

Vs.

M/s.Kalpana Glass Fabroid ..Respondent.

....

Mr.G.S.Gokhale for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

30th November, 2005.

P.C. :

The Learned Trial Judge has set aside the ex parte decree by the order impugned in these proceedings. The discussion in paragraphs 5 and 6 of the impugned order will reveal that the suit

summons was served by affixing on the outer door of the house property at 387 Navi Peth, Pune. However, the suit premises are situated at S.No.720/20, Navi Peth, Pune. The Learned Trial Judge has noted that service was not proper and that Dilip Ramchandra Karandikar was not a partner of the firm since the certified copy of the registration extract showed that he had ceased to be a partner from 8th January, 1982. The setting aside of the ex parte decree and the restoration of the suit, therefore, does not call for any interference. The Civil Revision Application is therefore dismissed.